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**FALSE IMPRISONMENT—ARREST WITHOUT WARRANT.**—In an action for false imprisonment for an arrest, by an officer without a warrant, for a violation of the Sunday Law (P. S. 5955-5957), the defendant attempted to justify on the ground that his purpose in making the arrest was to prevent some further work not permitted by the Sunday Law. *Held*, the officer cannot justify the arrest on that ground. *Mazzolini v. Gifford* (Vt. 1916), 98 Atl. 904.

At common law an arrest could not be made by an officer without a warrant, for a misdemeanor, unless the offense was being committed in his presence. *Bowditch v. Balchin*, 5 Exch. 378; *Rex v. Bright*, 4 C. & P. 387, 19 E. C. L. 434; *Commonwealth v. Carey*, 12 Cush. 246; *Quinn v. Husel*, 40 Mich. 576; *Phillips v. Trull*, 11 Johns. (N. Y.) 486. Nor can he arrest without a warrant for a misdemeanor though committed in his presence which does not amount to a breach of the peace. *Butolph v. Blust*, 5 Lans. (N. Y.) 84; *Commonwealth v. Wright*, 158 Mass. 149. However, the rule has been changed in many jurisdictions by statute. In *Mayo v. Wilson*, 1 N. H. 53, a statute authorizing selectmen to arrest, without a warrant, persons suspected of travelling unnecessarily on the Lord's Day, was held to be constitutional. An arrest without a warrant, for an alleged breach of the Sunday Law was declared to be illegal in *Commonwealth v. Collins* (Pa. Quart. Sess.), 12 Rep. 284. But the decision in the principal case goes to the extent of saying that, though the purpose in the arrest is to prevent further work, and thus prevent the continuing of an act which is criminal according to the statute, nevertheless an officer would not be justified in arresting the offender without a warrant. In *State v. McNally*, 87 Mo. 644, the court used the following language: "A peace officer has the right to arrest without a warrant for a misdemeanor where the arrest is made *flagrante delicto*, and he is possessed of the same powers in making such arrest, and is authorized to employ the same force, and to resort where necessary, to the same extreme measures in overcoming resistance as in the case of a felony." This statement would seem to be too broad, in view of the above cases, unless the officer had been given some such authority by statute.

**INJUNCTION—AGAINST CONSTRUCTION OF PUBLIC WORK BEFORE RIGHT OF EMINENT DOMAIN IS EXERCISED.**—The defendant city commenced the construction of a sewer across the plaintiff's land before it had obtained a right of way. The plaintiff seeks an injunction restraining the defendant from collecting the improvement assessment on his property and to require the removal of the sewer from his premises. *Held*, that both forms of relief should be granted, unless the defendant, within a reasonable time, should acquire a right of way. *Fraser v. Portland* (Ore. 1916), 158 Pac. 514.

It is well settled that a court of equity will enjoin the taking of private property until the right to make an entry is obtained in accordance with the condemnation statutes. *Mobile Ry. Co. v. Ala. Midland Ry. Co.*, 123 Ala. 145, 26 So. 324; *Hardensburg v. Cravens*, 148 Ind. 1, 47 N. E. 153; *Hughes v. Milligan*, 42 Kan. 396, 22 Pac. 313. This is for the reason that